

## MESSAGE FROM THE GOVERNOR.

The following message, transmitted through Mr. E. R. McLean, private secretary, was received from his Excellency, the Governor:

Executive Office,  
May 20th, 1897.

To the House of Representatives:

Substitute House bill No. 203, being an act making appropriations for the State government for the two years beginning March 1, 1897, and for other purposes, is herewith returned without approval. It appropriates for the first year \$2,595,382.19 and for the second year \$2,184,471.20, aggregating \$4,779,993.39 for the two years. Of this sum, in round numbers, \$2,479,282 for the first year and \$2,153,631 for the second year is out of the general revenue, or a total appropriation from the general revenue of \$4,632,913 for the next two years. To this should be added \$2000 appropriated by the uniform textbook bill, \$10,000 by the San Jacinto bill, and the deficiency bill of \$120,000, all payable the first year, which will carry the appropriation for the first year to \$2,611,282, and make the total appropriation in all the bills for the two years \$4,764,913 out of the general revenue. This appropriation greatly exceeds that for the past two years. In his last report the Comptroller estimated the total receipts under present laws and rate of taxation the first year at \$2,314,000 and the second year at \$2,317,000, aggregating \$4,631,000 for two years. Taking into consideration the probable decrease in taxable values, the fact that some of the revenue laws recently passed will not be effective for a year, and the unusual length and cost of this session of the Legislature, there will be no net increase in revenue of consequence, and it will not be safe to put the receipts above the estimates made by the Comptroller in his report. Measured by this estimate, this bill creates a deficit the first year of \$297,282, and for the two years of \$133,913. The bill, moreover, does not fully represent public expenditures under existing laws. It appropriates \$375,000 annually for fees of sheriffs, clerks and attorneys in felony cases, and \$75,000 annually for expenses of attached witnesses in such cases, while in fact last year there was expended for the former \$417,000 and

\$148,000 for the latter, showing that these amounts will probably be spent each year, unless fees are reduced, instead of the amounts appropriated. This excess should therefore be added to the sums heretofore mentioned, and when done the minimum deficit the first year will be \$387,282, and for the two years \$313,913. Pledged first and above all things to a continuance of economy in the conduct of the government and such reduction of expenses as may be consistent with efficiency, the bill can neither be approved nor permitted to become a law. The excessive appropriations which are most obvious are in some of the educational institutions, in the insane asylums, and in fees in felony cases. With these matters adjusted to our receipts, and reduction of expenditures in such other places as may be found expedient, a deficit will be avoided. The increased expenditure in the educational institutions over the past two years is \$100,000, and in the lunatic asylums \$265,000. This is equal to the entire value of the San Antonio asylum, as estimated by the Superintendent of Public Buildings and Grounds in his report. The laws regulating and fixing fees in felony cases authorize extravagant and excessive charges, against which the people have made earnest and unmistakable demand, and upon which we have promised them relief. Some of these increased expenditures are necessary, and reasonable fees of office should be paid, but the bill is so framed that disapproval of extravagant and separable items will not relieve the deficit, and consequently the alternative of creating a heavy deficiency or disapproving the entire bill is presented. Believing that the last accords with public interests, and that this course will enable the Legislature to relieve the people of an inevitable increase in taxation in two years, it is accepted without hesitation. Attention has already been called to the appropriations for educational institutions and insane asylums. During the past two years \$40,000 was appropriated for fees in examining trials, \$200,000 for expenses of attached witnesses, and \$750,000 for fees of sheriffs, clerks and attorneys in felony cases. In addition to this, as already stated, there was a deficit in the last two items of \$90,000, thus making the total expenditures for two years in the three items \$1,030,000. Of this amount, last year \$78,468 was paid clerks, \$97,416 was paid attor-

neys, \$120,273 was paid witnesses, and \$228,586 was paid sheriffs. It is manifest that this expense is enormous, and unless checked may grow to be intolerable. Speaking of this subject in his message to the Legislature in January, 1895, Governor Hogg said: "The heaviest expense to the State arises from criminal prosecutions, consisting of the fees of sheriffs, clerks, witnesses, and prosecuting officers. The Governor has no control whatever over these matters. They are prescribed and regulated by law. The laws in relation to them are either lax or too liberal. At any rate the public treasury is the subject of too much abuse from these sources. \* \* \* The question is, what shall be done about it? The only sensible reply is to apply the pruning knife of reform. \* \* \* It would be a good plan for the Legislature to limit the aggregate fees and salaries of the county officials upon a graduated scale in proportion to population and service, so that they may be properly paid, while the spirit of extravagance, encouraged and nurtured by wealth producing offices, shall be checked and prevented." That this great expense may be materially reduced without detriment to the public service is certain, and it is equally plain that unless it is done the tax burden will be increased. The issue is easy and obvious. The Representatives must reduce the fees of office, in connection with other reductions, or add to the debt and necessarily the taxes of the people. The real contest can not be obscured by a failure to raise the rate of taxation now, for that will certainly follow extravagant appropriations, though temporarily postponed. Demanded by the general welfare and party faith, no reason is perceived even at this late day why the situation may not be firmly and wisely met. Having already given much consideration to them during the present session, the necessary measures can easily be passed, if approached in an impersonal, unimpassioned and patriotic spirit, and the following are earnestly recommended:

1. Limit the appropriation for educational institutions and asylums to the very necessities of each case.
2. Repeal the law allowing fees in examining trials. Never indispensable, under a decision of the Court of Criminal Appeals these trials are now practically useless.
3. Repeal the law authorizing attachments to issue for witnesses be-

fore grand juries to foreign counties. Evidence upon which to find indictments can always be procured in the county of the grand jury, and repeal of this law, while not impairing the machinery of justice, will reduce fees of both sheriffs and witnesses.

4. Enact an effective fee bill which will in part protect the State treasury against the excessive demands pointed out.

5. Reduce expenses in such other directions as may be found practicable.

There can be no doubt that just and liberal measures along these lines will reduce expenses \$400,000 for the two years, avoid a deficit in revenue, and comply with our public pledges. Without them not only will warrants be hawked from August until the end of the term, to the injury and discredit of the State, but the next administration will inherit a heavy debt and be forced to levy increased tribute upon the people. Confident that a large majority of the legislators are unwilling to share in such results, the bill is returned, that the laws suggested may be enacted and more reasonable appropriations made.

C. A. CULBERSON.